



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,206	04/25/2001	Tatsuya Sasazawa	KOT-0029	8817
23413	7590	10/22/2003	EXAMINER	
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			BASHORE, ALAIN L	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/843,206

Applicant(s)

SASAZAWA ET AL.

Examiner

Alain L. Bashore

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is now claimed "value information" which represents "value produced in said virtual space and convertible to a real economical value of a real world". This is confusing since this appears to be already recited in the claim as "virtual currency". The claim could be construed as a double recitation. Since a virtual currency inherently includes value information, this is also confusing.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 10-12, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitano et al in view of Wong et al.

Kitano et al discloses an economical data processing system. Means for forming a virtual space in use with a network includes a plurality of computers connected to each other (col 6, lines 28-67). Value information storing means stores value information representing value provided in the virtual space and the value information is delivered in the virtual space (col 19, lines 10-67; col 20, lines 12-5). Value of the value information is represented as value data (col 7, lines 33-35) and said value information storing means stores said valuable information in relation with said value data . A value information evaluation means evaluates a value of said valuable information so as to generate said value data of said valuable information (col 7, lines 40-46). The value information may be image information (col 6, lines 38-43).

There is not explicitly disclosed to Kitano et al:

means for forming virtual currency which represents a value index in said virtual space;

a virtual currency storing means for storing said virtual currency;

wherein said virtual currency is delivered in said virtual space;

value information exchangeable with said virtual currency in said virtual space;

a virtual currency evaluation means for evaluating said virtual currency in a value system of real currency; and

means for exchanging said virtual currency with said real currency in accordance with the evaluation result of said virtual currency evaluation means; and

recording media that allows for recording a program of the economical data processing system.

Wong et al discloses: means for forming virtual currency (col 6, lines 20-33), virtual currency storing means (col 6, lines 34-41), virtual currency evaluation means (col 6, lines 41-48, means for exchanging said virtual currency with said real currency (col 8, lines 54-67), and recording media that allows for recording a program (col 6, lines 4-8).

It would have been obvious to one with ordinary skill in the art to include means for forming virtual currency that represents a value index in said virtual space to Kitano et al because Wong et al teaches virtual currency is desirable for network systems rather than conventional means of payment (col 1, lines 30-42).

It would have been obvious to one with ordinary skill in the art to include a virtual currency storing means for storing said virtual currency to Kitano et al for accounting purposes (i.e.: to know who owes what and to whom).

It would have been obvious to one with ordinary skill in the art to include value information exchangeable with said virtual currency in said virtual space to Kitano et al because Kitano et al teaches that a virtual currency is used in virtual space to make purchases (col 2, lines 8-11).

It would have been obvious to one with ordinary skill in the art to include a virtual currency evaluation means for evaluating said virtual currency in a value system of real currency to Kitano et al because Wong et al teaches evaluation required of virtual currency before it may be stored (col 7, lines 12-16).

It would have been obvious to one with ordinary skill in the art to include means for exchanging said virtual currency with said real currency in accordance with the evaluation result of said virtual currency evaluation means to Kitano et al because Wong et al teaches redemption required of virtual currency to be used for making a transaction (col 8, lines 54-56).

It would have been obvious to one with ordinary skill in the art to include recording media to Kitano et al because Wong teaches a program that may be located on a computer (col 6, lines 1-8) as one of "many forms" that the program may take.

5. Claims 6-9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitano et al in view of Wong et al as applied to claims 1-5, 10-12, 14-15 above, and further in view of Martinez et al.

Kitano et al in view of Wong et al does not explicitly disclose:

a ID data generating means for giving ID data to a subject which delivers said virtual currency in said virtual space;

a ID data judging means for judging whether or not said subject is allowed to make a connection with said virtual space in accordance with said ID data, and giving a permission to said subject to make a connection with said virtual space when said subject has said ID data with authenticity;

the virtual currency storing means stores said virtual currency in relation with said ID data; and

a subject given said virtual currency as a reward for being restricted in said virtual space for a period of time.

Martinez et al discloses a ID data generating means and ID data judging means (fig 9 and col 21, lines 55-67; col 22, lines 1-67) for use in transactions. Martinez et al also discloses rewards (col 10, lines 12-39) utilized by transaction users.

It would have been obvious to one with ordinary skill in the art to include a ID data generating means for giving ID data to a subject which delivers virtual currency in said virtual space to Kitano et al in view of Wong et al because Martinez et al teaches that valid IDs are required for a proper transaction (col 22, lines 61-62).

It would have been obvious to one with ordinary skill in the art to include an ID data judging means for judging whether or not said subject is allowed to make a connection with said virtual space in accordance with said ID data, and giving a permission to Kitano et al in view of Wong et al because Martinez et al teaches that a function of a system is to prohibit all invalid transfers (col21, lines 63-65).

It would have been obvious to one with ordinary skill in the art to include rewards for being restricted to the virtual space to Kitano et al in view of Wong et al because Martinez teaches reward systems that may be used in gamming, and that gamming is a form data processing utilizing virtual space and virtual currency (col 1, lines 67-67; col 2, lines 1-7).

Response to Arguments

6. Applicant's arguments filed 3-18-03 have been fully considered but they are not persuasive.

Applicant states that Kitano et al does not teach "value information" which is "convertible to a real economical value of a real world". The examiner must read this limitation in the broadest possible sense. In the broadest possible sense, all virtual manipulation that produces a result that impinges on the real world is a real economical value to someone somewhere. In the particular case at hand, Kitano et al produces enjoyment or satisfaction of making a purchase – both definitely real economical values in a real world.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3624

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.



Alain L. Bashore



HANI M. KAZIMI
PRIMARY EXAMINER